

***CITY OF HANNIBAL***

***OFFICIAL COUNCIL PROCEEDINGS***

**Tuesday, June 4, 2019  
Council Chambers  
7:00 p.m.**

**ROLL CALL**

**Present:** Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach, Godert and Mayor Pro Tem Dobson – 7

**Absent:** - 0 -

**CALL TO ORDER**

There being a quorum present, Mayor Hark called the meeting to order.

**INVOCATION**

The invocation was given at this time by Council Member Cogdal.

**PLEDGE OF ALLEGIANCE**

Mayor Hark then requested Council Member Veach to lead the Pledge of Allegiance to the Flag.

**APPROVAL OF AGENDA**

A motion was then made by Council Member Godert to approve the agenda, as presented and posted. The motion was seconded by Mayor Pro Tem Dobson.

Motion carried.

**APPROVAL OF MINUTES**

**Closed Session Minutes – March 5 & 19, 2019  
Regularly Scheduled Council Meeting – May 21, 2019**

A motion was made by Council Member Godert to approve the minutes from closed session meetings held March 5 & 19, 2019 and the regularly scheduled Council meeting held May 21, 2019. The motion was seconded by Council Member Veach.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**Second Half – May, 2019**

A motion was made by Council Member Welch to approve the payroll and claims for the second half of May, 2019. The motion was seconded by Council Member Veach.

Motion carried.

**SCOTT D. GOLLAHER – 2935 MARKET STREET**  
**Re: Request, Purchase Railroad Abandoned ROW**  
*(adjacent to his existing property at 2935 Market Street)*

Mr. Scott Gollaher, resident at 2935 Market Street, approached Council requesting to purchase a piece of abandoned railroad right-of-way (ROW). He is requesting this piece along with another piece of property, which was the former 29<sup>th</sup> Street. Gollaher stated the small piece of property (formally 29<sup>th</sup> Street) was supposed to be given to him according to the former Building Inspector, John Wealer, but the process was never completed.

City Attorney Lemon indicated the City has deeded off bits and pieces of this railroad ROW over the course of time. Some of the deeded property predates him as City Attorney, so there hasn't always been consistency on handling of the property. He explained there is some question as to what level of title the City currently has on the property. He does not know if we have a free title. In the past, the City would charge a nominal fee and the property owner would obtain a legal description and the City would then provide a quit claim deed, as long as they are the owners of the adjoining property.

Mayor Pro Tem Dobson indicated in the past for City property, the City has charged \$500 but since this is railroad property, it might be different. City Attorney Lemon indicated he does not feel a title company would insure this, without a quiet title suit, which is a minimal of \$1,000.00. This would be a substantial investment for a buyer to pursue. This is most likely why the City has given quit claim deeds and not a fee simple title, while this would "clean it up" it would also require title insurance, thus the minimum cost of \$1,000.00.

Mayor Pro Tem Dobson then asked Lemon's opinion on the street, which in past practice, it was split between the two adjoining property owners. Gollaher indicated this happened many years ago when 29<sup>th</sup> Street was relocated, over 30 years ago, the other adjoining property owner had no interest in maintaining it and Gollaher had assumed he already owned it. City Attorney Lemon suggests that Mr. Gollaher provide a legal description from a surveyor and the City provides a quit claim deed. This type of deed states the City is unsure if they own it, however, if they do, the deed holder is entitled to it. Mayor Pro Tem Dobson question Mr. Gollaher, if he is willing to undergo the cost of surveying the property, in which he agreed.

A motion was made by Mayor Pro Tem Dobson to issue a quit claim deed, upon successful survey of properties described, to Scott Gollaher. The motion was seconded by Council Member Veach.

Motion carried.

**NICKOLAS REEVES – 2835 MARKET STREET**  
**Re: Request, Purchase Railroad Abandoned ROW**  
*(adjacent to his existing property at 2835 Market Street)*

The next item, Nickolas Reeves, resident at 2835 Market Street, approached Council advising he had the same request as Gollaher on a separate piece of railroad ROW. He indicated he lives next to Mr. Gollaher, and is requesting property that is adjacent to his property. Mayor Hark explained that he would need to have the property surveyed and submit the successful survey to the City Attorney. Mayor Hark asked Mr. Reeves if this was something he wanted to pursue, in which he agreed.

A motion was made by Mayor Pro Tem Dobson to issue quit claim deed upon, the successful completion of a survey. The motion was seconded by Council Member Bowen.

Motion carried.

**MARK KEMPKER – HANNIBAL COMMUNITY PROMOTIONS GROUP**  
**Re: Request, Lover’s Leap Closure & Discharge Fireworks within City Limits**  
*Annual 4<sup>th</sup> of July Fireworks Display*  
*Thursday, July 4 & 5 2019 – 9:00 a.m. – 9:00 a.m.*

Mark Kempker, representing Hannibal Community Promotions Group, approached Council to request the discharge of fireworks within the City of Hannibal on July 4, 2019, for their annual fireworks show. He is additionally requesting to close Lover’s Leap from, 9:00 a.m. on July 4<sup>th</sup> until 9:00 a.m. July 5<sup>th</sup> for the setup and demonstration along with the cleanup. He is requesting assistance for proper signage for the closing of Lover’s Leap, along with Hannibal Fire Department having a fire truck on site, per permit guidelines. Kempker stated that if by chance they would have to reschedule the event, due to inclement weather, it would then be held July 5<sup>th</sup>.

A motion was made by Council Member Veach to approve, pending receipt of insurance, the discharge of fireworks on July 4<sup>th</sup> from Lover’s Leap; additionally closing Lover’s Leap from 9:00 a.m. July 4<sup>th</sup> until 9:00 a.m. July 5<sup>th</sup>. The motion was seconded by Council Member Bowen.

Motion carried.

**MELISSA CUMMINS – MARK TWAIN HOME FOUNDATION**  
**Re: Request, Street Closure & Sales/Consumption of Alcohol on City Owned Property**  
*Music Under the Stars*  
*Weekly, Thursday’s June – August*  
*\*\*excluding July 4<sup>th</sup>\*\**

Mayor Hark then called upon Melissa Cummins, representing the Mark Twain Home Foundation. As Ms. Cummins was not present, he questioned if a member of the audience was present on her behalf. With no comment from the audience, he questioned City Clerk Zerbonia, who informed the Mayor and Council she had not been notified by Cummins that she would not be in attendance, nor her intent to withdraw her request. Zerbonia then reviewed the request as

submitted by Cummins stating they are requesting street closure for Music Under the Stars events. Those events will be every Thursday from June 6<sup>th</sup> – August 29<sup>th</sup> (excluding July 4<sup>th</sup>). The Foundation is requesting Hill Street to be closed, which is adjacent to Third Street running towards the river for the safety of the public, along with the alley adjacent to the Becky Thatcher House. They are also requesting alcohol sales and open consumption on this City owned property.

A motion was made by Mayor Pro Tem Dobson to approve, pending receipt of insurance before the first event, the requested street closures and sales and open consumption of alcohol at Music Under the Stars events on Thursdays, June 6<sup>th</sup> through August 29<sup>th</sup>. The motion was seconded by Council Member Welch.

Zerbonia informed Council that as part of the bicentennial celebration, the Clydesdales would also be present during one of the upcoming Music Under the Stars events.

Motion carried.

**JAMES R. HARK – MAYOR**  
**Re: Approval of Appointments**

Mayor Hark reminded Council of candidates he presented for recommendation of reappointment to the Hannibal Library Board, during the last meeting.

**HANNIBAL LIBRARY BOARD**

- **Tom Prater – reappointment for a term to expire May, 2022**
- **Lauren Youse – reappointment for a term to expire May, 2022**

A motion was made by Council Member Veach to approve the reappointment of Tom Prater and Lauren Youse to the Hannibal Library Board for terms to expire May, 2022. The motion was seconded by Council Member Welch.

Motion carried.

**Re: Recommendation of Reappointment**

Mayor Hark then made the following recommendation for reappointment to the Hannibal Board of Public Works:

**HANNIBAL BOARD OF PUBLIC WORKS**

- **Stephan Franke – reappointment for a term to expire July, 2023**

This nomination will be considered for approval at the next regular Council meeting, to be held June 18, 2019.

**ANGELICA ZERBONIA, MRCC, CMO – CITY CLERK**

**Re: Loss Prevention Policy Manual**

*(Resolution No. 2209-19, to follow)*

City Clerk Zerbonia-Chaplin stated the City of Hannibal, being committed to the safety and health of all employees established guidelines to ensure a safe work environment, known as the **Loss Prevention Policy**.

Zerbonia-Chaplin stated that in accordance with the **Employee Guide to Success, Safety** acknowledgement of the Loss Prevention Policy and compliance with work place safety is considered a condition of employment with the City, along with maintaining a safe work environment requires cooperation of all employees.

On April 18, 2019, the City’s Executive Safety Committee adopted and approved the revised Loss Prevention Policy for submission to the City Council, for formal adoption.

Not only is safety in the workplace given primary importance to protect employees from injury and illness, it’s also important to minimize potential loss of services to any citizens. Sections of this document are also used by MIRMA to assess the City during the annual Loss Prevention Evaluation process and further requires the adoption of a safety program. With the revision, it ensures the City and employees meet those areas contained in the evaluation process. Meeting these requirements assists the City in the ability to maintain a 100% evaluation score; ultimately resulting in a financial impact of a decrease on the annual assessment. This year, the City recognized a Loss Experience Credit of over \$22,000.

Zerbonia-Chaplin stated Resolution No. 2209-19 is to follow, for approval.

**KAREN BURDITT – FINANCE DIRECTOR**

**Re: Approval, Bond Payments**

- 2010 Build America - \$552,689.98
- 2013 Series “A” - \$199,412.48
- 2016 Series - \$288,698.39

Karen Burditt, Finance Director, approached Council requesting approval for bond payments. She stated the 2010 Build America Bond (BAB), the 2013 Series “A” Bond, and the 2016 Series payments are due July 1, 2019 in the amounts as follows:

		<u>Principal</u>	<u>Interest</u>	<u>Less Cash</u>	<u>Fund</u>	<u>Total</u>
2016	Streets	\$170,000.00	\$118,762.50	(64.11)	Sales Tax Cap.	\$288,698.39
2013 A	Streets Facil	\$190,000.00	\$ 9,418.75	(6.27)	General Fund	\$199,412.48
<b>2010 BAB</b>	<b>Streets</b>	<b>\$535,000.00</b>	<b>\$ 22,552.50</b>	<b>(4,862.52)</b>	<b>Sales Tax Cap.</b>	<b>\$552,689.98</b>
	Sub-Total	\$895,000.00	\$150,733.75	(4,932.90)	Sub-Total	\$1,040,800.85
<b>2010 BAB</b>	<b>Less Subsidy</b>		<b>( 7,403.98)</b>		<b>Sales Tax Cap. \$</b>	<b>7,403.98</b>
	Net Amount	\$895,000.00	\$143,329.77	(4,932.90)	Total	\$1,033,396.87

Burditt stated on July 1, 2019 the payment of principal and interest are due for the three street bonds issued in 2016, 2013 and 2010 respectively. The Trustee of the Bonds require payment

prior to the bondholder’s due date and with the holiday in the middle of the week she must make the payment in advance to make certain that the funds are at the bank in time for processing. If approved, the payment, by wire transfer, will be made on June 21, 2019.

The matter is presented to Council because the lapse over the close of one fiscal year, which ends June 30<sup>th</sup> and the new fiscal year, which begins July 1<sup>st</sup>. Burditt stated this is a normal timing issue in business but the books will not reflect this claim through the accounts payable system because she will send the funds via federal wire transfer, if approved.

These funds to pay the bonds are available in the Sales Tax Capital Improvement Fund and General Fund. This payment must be made appropriately, judiciously and well-timed to continue the City’s excellent bond rating.

Burditt stated with the “Build America Bonds” program the City will receive a subsidy/rebate on the dollars of interest paid. Each year that amount depends on the following:

- 1) Amount of interest paid which declines each year until the bonds are paid off
- 2) Amount Congress appropriates for this program.

The subsidy is normally received within thirty days of the payment of the interest and the subsidy is shown as revenue to the City. The City will pay the full interest expense of \$22,552.50; she expects the subsidy to around \$7,400.

The Series 2010 BAB has a \$340,000 reserve fund, which is held until the last payment in July, 2020 at which time the reserve will go towards the final payment of \$347,820.

A recap of the bonds and the balance after this payment is made:

<b>Bond Title</b>	<b>Purpose</b>	<b>REFI or Original Principal</b>	<b>Paid to Date: Principal and Interest</b>	<b>Balance Due Remaining</b>	<b>Closes (Ends)</b>
2016	Streets	\$6,765,000	\$697,557.29	\$6,275,000.00	7/1/2027
2013 (REFI)	Street Facility	\$1,595,000	\$1,283,242.00	\$495,000.00	7/1/2022
2013 (REFI)	Streets	\$690,000	\$735,826.00	-0-	7/1/2017
2010 BAB	Streets	\$3,400,000	\$4,005,345.85	\$330,000.00	7/1/2020
2010 Reserve				-340,000.00	
	<b>Totals</b>	<b>\$12,450,000</b>	<b>\$6,721,971.10</b>	<b>\$6,760,000.00</b>	

**Re: 2018/19 Fiscal Year, Budget Amendment – No. 4**  
*(Resolution No. 2211-19, to follow)*

Burditt’s next item, is a request for a budget supplement and amendment Resolution to address changes that are necessary to the current fiscal year budget. This list does not include all the amendments that will be required for this fiscal year, she plans to bring those forth at the next meeting.

She stated that on January 22, 2019, Mayor Hark presented an emergency declaration for damage caused to a section of the roof and insulation at the General Mills Warehouse, which is property the City owns and leases to General Mills. The repairs to the roof were bid, and on March 5<sup>th</sup>, Burditt presented a budget amendment for an additional \$18,000 from Revolving Loan Fund, at which time she informed Council there may be additional repairs needed. Soon after that amendment was approved, a second unrelated leak occurred and this additional repair cost \$10,500. Council was also made aware by former City Manager, Jeff LaGarce, on March 5<sup>th</sup> that General Mills requested an area along the rail be paved due to a safety concern. The cost of these two items went over the approved amended amount, therefore an additional \$10,000 for these two items is needed.

Burditt then informed Council a local citizen donated \$13,200 for planting of trees along Broadway. The first two trees have been planted in front of City Hall. This amendment, if approved, would increase the donation line item 10.1141, Broadway Tree Donations and the expense line item 10.29.121 by \$13,200.

Burditt explained this year seven employees have retired/resigned from the City that had accumulated a substantial amount of unused sick leave. These payouts have exceeded the original amount budgeted of \$110,052. This amendment would increase the fund expense by \$15,000.

When the budget was approved, the Bicentennial Fund had not yet received donations for expenses. The only revenues deposited into this account were the funds approved from the City and that same amount was budgeted for expenses. Since that time, the fund has received donations which will be spent through 2019. Burditt explained that during the recent Chris Janson concert, this fund had \$89,827 in expenses and \$88,997 in ticket sales. She feels other expenses this year will not exceed the \$50,000 that was budgeted. The amendment will increase the Bicentennial Expense line item 83.83.598, and the Other Revenue line item 83.1149 by \$88,997 each.

Burditt stated Resolution No. 2211-19 is to follow, for approval.

**ANDY DORIAN – DIRECTOR, CENTRAL SERVICES**  
**Re: 929 Collier Street – Restrictive Covenant Regarding Petroleum Contamination**  
*(Resolution No. 2210-19, to follow)*

Andy Dorian, Director of Central Services, approached Council and stated that the City has been working with the Missouri Department of Natural Resources (MDNR), on the clean-up of underground storage tanks at 929 Collier Street, formerly known as the Display Center.

He stated a risk assessment on the property has been completed and as long as the restrictions set forth in the covenant are complied with, no additional action by the City would be required.

This commercial flood-buyout property was also part of MDNR's Brownfields/Voluntary Clean-Up Program. In August of 2015, Council also approved MDNR's environmental covenants that included no residential use of the property or no use of groundwater for drinking.

Dorian stated Resolution No. 2210-19 is to follow, for approval.

**EDIE PRICE – DPW MANAGEMENT ASSISTANT**  
**Re: Minnow Creek Subdivision Final Plat - Phase One and Two**  
*Ball Investment Group*  
*(Bill No. 19-009, to follow)*

Eddie Price, DPW Management Assistant, approached Council stating that on April 18, 2019, the Ball Investment Group, along with 4-Points Land Surveying, came back before the Planning and Zoning Commission to present the Final Plat for Phase One and Two of The Minnow Creek Subdivision. This will be a residential subdivision which was annexed into the City and is located on Jimmy O'Donnell Road. The property is zoned A One and Two Family, and the Balls propose a single-family residential subdivision. Price stated the subdivision came before Council in May of 2018 for approval and passed. Since that time the Ball Investment Group has went out for construction bids and the numbers have come in higher than expected. Because of those higher numbers a new plat was resubmitted to the Planning and Zoning Commission with the addition of 33 lots. With the addition of these lots, Price stated it should not affect water, sewer, etc., it would just be moving property lines and making lots smaller in size to accommodate the additional lots.

Price informed Council the roads and cul-de-sac would be 32 feet wide per side for a total of 64 feet wide. This reduction in size is still within the ordinance guidelines of the City and was approved by the Fire Department.

All City and Board of Public Works comments of Final Plat of Phase One and Two were forwarded to the applicant's Engineer who agreed to address all issues prior to the Planning and Zoning hearing. The Planning and Zoning Commission approved the Final Plat of Phase One and Two of The Minnow Creek Subdivision on April 18<sup>th</sup> and it was recommended favorably.

Council Member Bowen then questioned Price's comment, on the road width; asking for clarification on the 32 foot width of the streets, Price indicated that was indeed correct. She advised it did go to the Planning and Zoning Committee that way and was recommended. Mayor Hark then questioned Price of proposed code revisions to the subdivision ordinance in which she indicated there were none that she is aware of.

**RESOLUTION NO. 2209-19**

**A RESOLUTION OF THE CITY OF HANNIBAL ADOPTING AND  
APPROVING THE UPDATED EMPLOYEE LOSS PREVENTION  
POLICY**

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2209-19 and call the roll for adoption. The motion was seconded by Council Member Bowen.

**ROLL CALL**

**Yes:** Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach, Godert and Mayor Pro Tem Dobson - 7

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2209-19 duly approved and adopted on this date.

**RESOLUTION NO. 2210-19**

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING  
THE MAYOR TO EXECUTE A RESTRICTIVE COVENANT  
REGARDING PETROLEUM CONTAMINATION RELATING TO  
CITY OWNED PROPERTY AT 929 COLLIER STREET  
(*SITE FORMERLY KNOWN AS THE DISPLAY CENTER*)**

A motion was made by Council Member Godert to have the City Clerk read Resolution No. 2210-19 and call the roll for adoption. The motion was seconded by Council Member Veach.

**ROLL CALL**

**Yes:** Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach, Godert and Mayor Pro Tem Dobson - 7

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2210-19 duly approved and adopted on this date.

## RESOLUTION NO. 2211-19

### **A RESOLUTION AMENDING THE CITY OF HANNIBAL FY-2018-2019 (NO. 4) BUDGET BY AUTHORIZING SUPPLEMENTAL APPROPRIATIONS FOR GENERAL MILLS WAREHOUSE MAINTAINANCE, AND UNUSED SICK LEAVE, AND BUDGET AMENDMENTS FOR REVENUES TO THE BROADWAY TREE DONATIONS AND EXPENDITURES FOR TREE EXPENSES, AND THE INCREASE OF BICENTENNIAL EXPENSES AND REVENUES**

A motion was made by Council Member Veach to have the City Clerk read Resolution No. 2211-19 and call the roll for adoption. The motion was seconded by Council Member Bowen.

#### **ROLL CALL**

**Yes:** Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach, Godert and Mayor Pro Tem Dobson - 7

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Resolution No. 2211-19 duly approved and adopted on this date.

## **BILL NO. 19-008**

### **AN ORDINANCE AMENDING THE FISCAL YEAR 2018/2019 PAYROLL ORDINANCE RELATIVE TO THE RECLASSIFICATION AND PROMOTION OF THE FORMER DIRECTOR OF PARKS & RECREATION TO DIRECTOR OF CENTRAL SERVICES (NO. 3)**

#### ***Second and Final Reading***

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Bill No. 19-008 and call the roll for adoption. The motion was seconded by Council Member Welch.

**ROLL CALL**

**Yes:** Council Member Godert, Mayor Pro Tem Dobson, Council Member Cogdal, Mayor Hark, Council Members Van Hoose, Welch and Veach - 7

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

Mayor Hark declared Bill No. 19-008 duly approved and adopted on this date.

**BILL NO. 19-009**

**AN ORDINANCE APPROVING AND ACCEPTING THE FINAL PLAT OF PHASE ONE AND TWO OF MINNOW CREEK SUBDIVISION, A SUBDIVISION LYING IN THE PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 57 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF HANNIBAL, MARION COUNTY, MISSOURI**

***First Reading***

A motion was made by Mayor Pro Tem Dobson to give Bill No 19-009 a first reading. The motion was seconded by Council Member Veach.

Motion carried.

**CLOSED SESSION**

***In Accordance with RSMo. 610.021 (12)***

- *Contract Negotiations*

Mayor Hark then entertained a motion to enter into closed session in accordance with RSMo. 610-021, sub-paragraph (12), contract negotiations, admitting himself, City Council Members, City Attorney James Lemon, City Clerk Angel Zerbonia-Chaplin, Director of Central Services Andy Dorian, HCVB Director Gail Bryant and Finance Director Karen Burditt. A motion was made by Council Member Welch to enter into closed session. The motion was seconded by Council Member Bowen.

## **ROLL CALL**

**Yes:** Council Member Cogdal, Mayor Hark, Council Members Bowen, Welch, Veach, Godert and Mayor Pro Tem Dobson – 7

**No:** - 0 -

**Absent:** - 0 -

Motion carried.

## **OPEN SESSION**

A motion was made by Mayor Hark to return to open session. The motion was seconded by Council Member Bowen.

Motion carried.

## **ADJOURNMENT**

A motion was then made by Mayor Pro Tem Dobson to adjourn the meeting. The motion was seconded by Council Member Bowen.

Motion carried.

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**Michael J. Dobson – Mayor Pro Tem**

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**Angelica N. Zerbonia, MRCC, CMO - City Clerk**